



42 N. Sutter Street, Suite 506
Stockton, CA 95202
(209) 475-9550
www.restorethedelta.org

January 12, 2018

Sent via email: Edmund.Yu@deltacouncil.ca.gov

Edmund Yu
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Subject: Delta Independent Science Board Draft Prospectuses on review of estimating water supply reliability and of the Interagency Ecological Program

Dear Mr. Yu:

Thank you for the opportunity to comment on the above referenced prospectuses assembled by the Delta Independent Science Board (DISB). The prospectuses tackle important subjects.

Restore the Delta advocates for local Delta stakeholders to ensure that they have a direct impact on water management decisions affecting the water quality and well-being of their communities, and water sustainability policies for all Californians. We work through public education and outreach so that all Californians recognize the Sacramento-San Joaquin Delta as part of California's natural heritage, deserving of restoration. We fight for a Delta whose waters are fishable, swimmable, drinkable, and farmable, supporting the health of the San Francisco Bay-Delta Estuary, and the ocean beyond. Our coalition envisions the Sacramento-San Joaquin Delta as a place where a vibrant local economy, tourism, recreation, farming, wildlife, and fisheries thrive as a result of resident efforts to protect our waterway commons.

As Delta advocates, we rely heavily on scientific research output and synthesis to inform our positions. We have, for example, participated in commenting on the State Water Board's recent Scientific Basis Report for development of its Phase 2 Water Quality Control Plan. We have participated in debates with Tunnels advocates and others in a variety of venues and media, including the Senate Fellows Program in November 2015.

Proposed Review of the Interagency Ecological Program (IEP)

This draft prospectus struck us as odd. Usually a formal, researched evaluation of a government program (whether it is a science program or some other type of program) carefully defines the questions to be answered by the review. This prospectus justifies the review by appeal to a legislative mandate that is not specific to the IEP and states generically: “The Delta ISB will review the research, data archives, and synthesis efforts of the IEP as part of this review, along with its administrative structure and procedures.”

Suffice to say that this draft prospectus identifies no key or central questions that need to be answered in the course of the review. It appears that the review will focus on IEP as a synthesizer of information about the Delta as a means for articulating what the Delta needs, and the extent to which IEP can use scientific-ecological forecasting techniques to anticipate changes in the estuary to its client agencies and the public. What priorities will be applied? Why are they deemed important? Is DISB on a fishing expedition, or are there pressing questions that need answers, which the review is intended to provide?

We agree that these are important roles that IEP could play better, and we look forward to the review’s findings about IEP’s strengths and weaknesses in this area. In RTD’s view, anything that illuminates the science of the Delta estuary’s health is a boon to all interests involved, including those of Delta residents, farmers, workers, and visitors.

We hope DISB performs a fair and judicious review of IEP’s structure and how that structure affects its scientists’ products. We further hope that the focus goes beyond attainment of greater efficiencies within IEP activities to the broader issue of assuring that agency scientists are guaranteed the freedom to, like a good investigator, “go where the evidence leads them” and not be constrained to produce “science” that prejudices outcomes preferred by water supply managers. We encourage DISB not to shy away from investigating such “prior restraints” on scientific investigation should the matter arise in the course of interviews with program scientific personnel. Preservation of scientific integrity is key to the continuing enterprise of learning how the estuary works and of the interpersonal trust that must thrive between scientists so that interdisciplinary syntheses are encouraged, thereby reinforcing the communication aspect of the review. Efficiency is helpful when it preserves financial, material, and time resources, but should not be the overarching concern of this part of the review. Scientific credibility, independence, and integrity are paramount.

Proposed Review of Water Supply Reliability

Restore the Delta welcomes a DISB review of water supply reliability. Such a review is long overdue. We agree with the draft prospectus’s statement that “Reliability is important at many scales, in many ways, for many purposes.” We agree too that it is proper to state that water supply reliability is commonly assessed via statements about probability.

The draft prospectus is deficient in its scope. First, the foundational character of Delta levees for preserving the present through-Delta system of flow for the state and federal pumps is ignored. Every day that the levees stand strong and unbreeched is a victory for continuing water supply reliability for all users of water from Delta channels, be they Delta farmers, cities, anglers, or water exporters. Consequently, the structural basis for water supply reliability needs to be acknowledged and fleshed out in the review, including evaluation of the DSC's levee prioritization program.

Second, the legal basis for water supply reliability is similarly ignored. Water rights claims are critical for establishing the ordering of water diversion and use throughout the Delta and its Central Valley watershed. Reliable water rights are claims to use water that have basis in their priority date and diligent use by the claimant. They establish the ordering, amount, timing, and duration of water use, period. They are determinative of land value, water prices, and actual recipients of water. The DISB review must address the legal dimension of water supply reliability—including all the legal claims placed upon the waters of the Delta and its Central Valley watershed—or its review will be fundamentally truncated and flawed.

We attach to this letter some additional citations for the DISB to consider as part of its research and review into water supply reliability.

Thank you for the opportunity to comment on these draft prospectuses. If you have questions or wish to discuss the scope or other matters associated with either of these reviews, please contact us.

Sincerely,



Barbara Barrigan-Parrilla
Executive Director
(209) 475-9550
barbara@restorethedelta.org



Tim Stroshane
Policy Analyst
(510)847-7556
tim@restorethedelta.org

Additional Citations for the DISB to consider concerning water supply reliability:

Stroshane, T. 2012. *Testimony on Water Availability Analysis for Trinity, Sacramento, and San Joaquin River Basins Tributary to the Bay-Delta Estuary*. On behalf of California Water Impact Network, California Sportfishing Protection Alliance, and AquAlliance, October 26. For Workshop #3, Analytic Tools for Evaluating the Water Supply, Hydrodynamic, and Hydropower Effects of the Bay-Delta Plan. Accessible at https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/comments111312/tim_stroshane.pdf.

Grantham, T.E. and J.H. Viers. 2014. 100 years of California's water rights system: patterns, trends and uncertainties. *Environmental Research Letters* 9. Accessible at <http://dx.doi.org/10.1088/1748-9326/9/8/084012>

Schwarz, A.M. 2015. Central Valley Water Rights in a Changing Climate. *San Francisco Estuary and Watershed Science* 13(2). Accessible at <https://escholarship.org/uc/item/25c7w914>.